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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,080	03/10/2004	Mark F. Gabriel	05165.1580	2650

7590 06/16/2005

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WASHINGTON, DC 20036

EXAMINER

GRANT, ALVIN J

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,080

Applicant(s)

GABRIEL ET AL.

Examiner

Alvin J. Grant

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 12-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 30-32 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 4-5, 6, 10, 11 and 27-29** are rejected under 35 U.S.C. 102(b) as being anticipated by Montgomery 5,031,373.

Montgomery discloses an apparatus comprising: a manifold assembly (Fig. 1), an air supply line (34) connected to the manifold assembly, a plurality of nozzles (46) connected to the manifold assembly, and a plurality of material supply hoses (62) connected to the manifold assembly; the manifold assembly further comprises: an air inlet port (32) that receives the air supply line, a plurality of cross chambers intersecting the air inlet port wherein each respective cross chamber comprises a material outlet attachment port at one end and is closed off at another end, and a plurality of material inlet attachment ports each angularly intersecting a respective cross member; the cross chambers intersect the air inlet port at 90 degrees the air supply line is rigidly connected to the manifold; each of the cross chambers intersects the air inlet port at an angle other than 90 degrees; a plurality of supply hoses are connected to a respective one of the material attachment ports.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 2, 3 and 7-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery in view of Sheppard, Jr. 5,681,132.

Montgomery is described above.

Referring to claims 2, 3 and 7, Montgomery does not specifically disclose a chambered block with a plenum having a cap. Sheppard, Jr. discloses a chambered block so as to provide the capability of compartmentalizing the components; and a plenum having a cap so as to manipulate the pressure in the plenum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the apparatus of Montgomery to have a chambered block as taught by Sheppard, Jr. so as to provide the capability of compartmentalizing the components; and a plenum having a cap so as to manipulate the pressure in the plenum.

Referring to claims 8 and 9, Shepherd, Jr. discloses the use of screws to secure the chambered blocks together so that they can be readily dismantled. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the chambered blocks of Montgomery, as modified, be secured with screws as taught by Sheppard Jr. so that they can be readily dismantled.

Response to Arguments

3. Applicant's arguments filed 3/17/05 have been fully considered but they are not persuasive.

In response to Applicant's argument that the Montgomery document is directed to an etching machine with an air manifold, the Montgomery document comprises manifolds that comprise the features claimed by Applicant.

In response to Applicant's argument that there is no motivation to combine the references of Montgomery and Shepherd Jr., the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosure taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. In re Bozek, 163 USPQ 545 (CCPA) 1969. In this case, the Shepherd Jr. document teaches that the plenum can be capped, using screws as a means of securing it.

Allowable Subject Matter

4. Claims 30-32 are allowed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J. Grant whose telephone number is (571) 272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

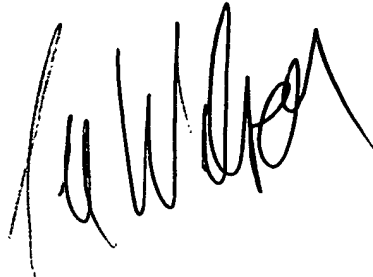
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alvin J Grant
Patent Examiner
Art Unit 3723

Ajg

A handwritten signature in black ink, appearing to read 'Lee D. Wilson', with a stylized, cursive script.

LEE D. WILSON
PRIMARY EXAMINER